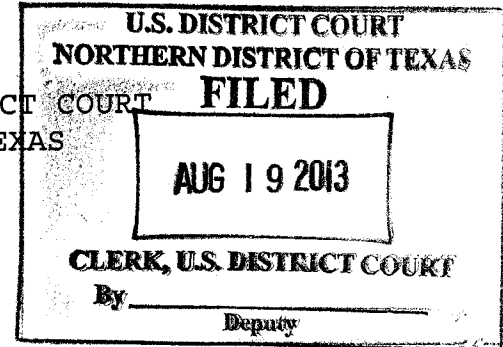


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



NATHAN D. NEIGHBORS,

Plaintiff,

VS.

TOMMY L. SKAGGS,

Defendant.

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NO. 4:13-CV-583-A

O R D E R

Plaintiff, Nathan D. Neighbors, who is incarcerated in a facility with the Texas Department of Criminal Justice, filed the instant complaint pursuant to 42 U.S.C. § 1983, naming as defendant Tommy L. Skaggs. Plaintiff did not pay the filing fee, but in conjunction with his complaint filed a certificate of inmate trust account. The United States Magistrate Judge considered the trust fund account statement to determine plaintiff's qualification to proceed in forma pauperis.

In an order signed July 26, 2013, the magistrate judge determined that plaintiff has had at least three previous cases dismissed as frivolous and recommended that plaintiff not be allowed to proceed in forma pauperis in this action. The magistrate judge further recommended that if plaintiff was not permitted to proceed in forma pauperis, that he also be ordered to pay the full filing and administrative fees of \$400.00 within

seven days after this court made any final determinations concerning plaintiff's in forma pauperis status. The magistrate judge further recommended this court advise plaintiff that failure to pay the filing fee could result in the dismissal of this action without further notice for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.¹ The magistrate judge ordered that plaintiff file any objections by August 16, 2013. As of the date this order is signed, plaintiff has filed nothing in response to the magistrate judge's order.

Therefore,

The court accepts the recommendations of the United States Magistrate Judge and ORDERS that plaintiff be, and is hereby, denied the right to proceed in forma pauperis in this action.

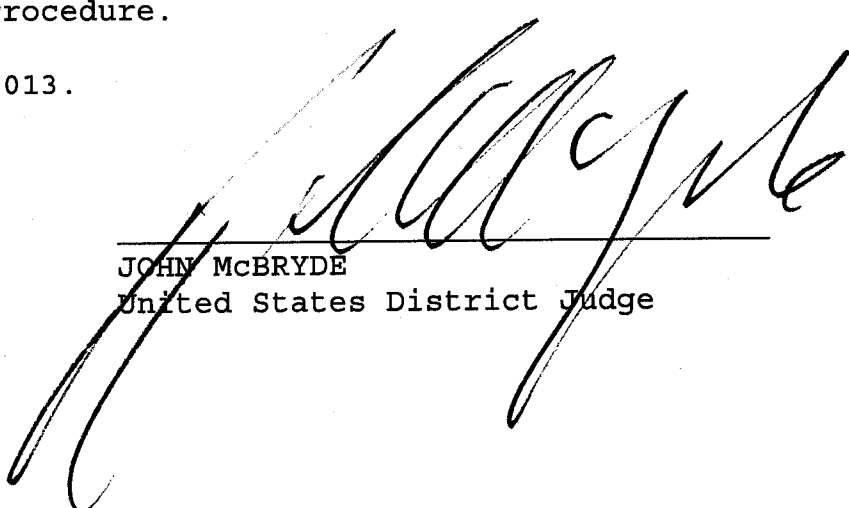
The court further ORDERS that by 4:00 p.m. on August 26, 2013, plaintiff pay to the Clerk of the court the full filing and administrative fees of \$400.00.

The court further ORDERS that failure of plaintiff to comply with the terms of this order may result in the dismissal of this

¹Rule 41(b) contemplates that a dismissal under it will be on motion of a defendant. However, the court has inherent authority to dismiss, sua sponte, an action for want of prosecution. See Link v. Wabash R.R. Co., 370 U.S. 626, 630 (1962); Jones v. Caddo Parish Sch. Bd., 704 F.2d 206, 214 (5th Cir. 1983).

action without further notice pursuant to Rule 41(b) of the
Federal Rules of Civil Procedure.

SIGNED August 19, 2013.



JOHN MCBRYDE
United States District Judge